

F. ANTONE ACCUARDI, OSB 974613  
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**THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF OREGON**  
 (Portland Division)

F. Antone Accuardi,	)	Case No.: _____	
	)		
Plaintiff,	)		<b>PLAINTIFF'S COMPLAINT FOR FALSE</b>
	)		<b>LIGHT, INTENTIONAL INFLICTION OF</b>
vs.	)		<b>EMOTIONAL DISTRESS,</b>
	)		<b>INTENTIONAL INTERFERENCE WITH</b>
Brad Fredericks, John & Jane Doe 1-10,	)		<b>PROSPECTIVE ECONOMIC</b>
	)		<b>ADVANTAGE</b>
Defendants.	)		

NOW comes Plaintiff who allege and aver that at all material times;

**Jurisdiction**

1.

Jurisdiction is based on 28 USC § 1332 (a)(1).

**INTRODUCTION AND PARTIES**

2.

Plaintiff F. Antone Accuardi is a duly licensed, solo practicing attorney since 1997. Mr. Accuardi is in good standing with the Oregon State bar, and resides at 64783 E. Lupine Drive, city of Rhododendron, county of Clackamas, state of Oregon 97049.

3.

Defendant Brad Fredericks is a resident of Vermont who on information and belief resides at 137 Lupine Drive, Colchester, Vermont. Defendant runs/owns and or operates or is otherwise the principal contributor to the Blog Spot; URL [www.telemarketerspam.wordpress.com](http://www.telemarketerspam.wordpress.com). Defendant's blog is not a newspaper, nor is Mr. Fredericks a reporter receiving compensation as such, nor is he/it an otherwise recognized news outlet. Such blog does not purport to offer its "opinion", but rather states its content as fact after carefully researching the information provided therein. Defendant's website is published into Clackamas county and contains false and misleading information about Plaintiff for all the world to see.

4.

John & Jane Does 1-10 are currently unknown to Plaintiff and will be added as Defendants once their identities are known to Plaintiff. John and Jane Doe are various individuals who posted inaccurate information about plaintiff to various websites on the Internet including, but not limited to; 800notes.com; whoscallingmenow.com; and telemarketerspam.com.

5.

Plaintiff re-alleges paragraphs 1-4 as though stated fully and incorporates them by reference herein. Telemarketerspam.wordpress.com purports to be an information site dedicated to informing the public about a perceived epidemic of unwanted robo-calls related to telemarketing and specifically, "illegal telemarketing". The site states as fact, among other things, that it is based on best information and belief after conducting reasonable research into the allegations and/or so called "information" contained therein. The public is invited to add its own commentary and information by signing up with telemarketerspam.wordpress.com. However, the

majority of the content is provided by defendant himself, including all the content alleging plaintiff's tortuous conduct. Defendant posts this so called information after conducting no reasonable research to discover the truth or falsity of such statements.

6.

Telemarketerspam.wordpress.com contains and publishes to the world, including to Clackamas County "factual" information/statements. The cumulative effect of this website/blog casts plaintiff as dishonest, a serial violator of state and federal law, and as a person of questionable ethics and practices in his profession; On information and belief Defendant Fredericks also uses aliases to post similar false and misleading information on other websites on the world wide web, including but not limited to 800notes.com et.al.

7.

**False Light Allegations Published on Telemarketerspam.wordpress.com that Place Plaintiff**

**in a False Light.**

SUMMARY OF PORTRAYAL OF PLAINTIFF

(A) "Antone Accuardi is engaged in a world wide conspiracy to perpetuate, encourage, profit and engage in illegal telemarketing for reasons that range from "to steal personal information" from unsuspecting consumers or to receive CNAM (Caller Name) revenue or "dip" fees from other telecommunications providers for access to various information data bases."

(B) "F. Antone Accuardi is an owner, officer, employee and or general counsel (referring to salaried corporate counsel) of each of the companies alleged to have engaged in and or conspired to engage in patterns of illegal telemarketing and that he has devised a global scheme to funnel ill-gotten gains to a series of offshore companies and bank accounts in effort to hide his and his co-conspirators true identities and to avoid prosecution from authorities."

(C) "Antone Accuardi is being prosecuted by the Federal Trade Commission ("FTC") and state agencies, most notably the North Dakota Attorney Generals Office, for his alleged

1 participation is such illegal telemarketing schemes and various violations of state law relating to  
 2 illegal telemarketing.”

3 (D) “Antone Accuardi recently closed down PTCG and is now currently owner and  
 4 operator of CallerID4U an unrelated CLEC (“Competitive Local Exchange Carrier”) licensed as  
 5 such in the state of Washington and owned by Louis Martinez, Mr. Accuardi’s new “puppet” and  
 6 continues to engage in illegal telemarketing.” That Accuardi engages in conduct detrimental to  
 7 the administration of justice and otherwise ignores his bar organizations Rules of Professional  
 8 Conduct by engaging in and directing illegal activity.

9 (E) Antone Accuardi engages in a systematic pattern of violating Federal laws  
 10 including, but not limited to, the Telephone Consumer Protection Act (“TCPA”), the  
 11 Telemarketing Sales Rules (“TSR’s”) by, among other things, placing calls in, or encouraging  
 12 other to place calls in violation of state and Federal “Do Not Call Lists” et. al.

13 (F) Antone Accuardi posted a reply to one of Defendant’s published statements using  
 14 an email address with an **ftc.gov** extension (Federal Trade Commission) and is currently being  
 15 sued in a class action law suit in Southern California.

16 (G) FTC receives nearly One Million Telemarketing complaints involving F. Antone  
 17 Accuardi.

18 (H) Accuardi is the mastermind behind various illegal telemarketing “schemes”.

19  
 20 Collectively, Defendant’s blog portrays Plaintiff as dishonest, a crook and incompetent attorney.

21 8.

22 The reality is that Plaintiff is none of these things and has never been the subject of  
 23 disciplinary action by his states bar even though dozens of complaints have been received and  
 24 reviewed by the Oregon State Bar alleging plaintiff’s participation in illegal telemarketing. In fact  
 25 the Oregon state bar conducted an (informal) investigation into the allegations and found them to  
 26 be without merit. Plaintiff hides no money offshore, nor in fact does he currently own or have

1 access to any offshore accounts and has not since he moved from Belize in 2010. Plaintiff  
2 practiced in the Offshore industry for ten years. If He wanted to hide his clients identity and set  
3 up anonymous bank accounts he has the knowledge and skill to do so. Plaintiff has never  
4 counseled a client to avoid paying of income taxes of any city, state, or country and in fact  
5 counsels any such client to the contrary and the potential consequences likely for failing to  
6 follow counsels advice. Plaintiff has never counseled his clients to violate any laws.

7 9.

8 Dozens of complaints have been made to the Oregon Department of Justice and or the Oregon  
9 Attorney Generals office alleging my participation, or my participation by implication, from my  
10 clients alleged participation in illegal telemarketing. On information and belief each of these  
11 complaint files have been “resolved” and closed by the respective agencies without any citations,  
12 fines or penalties of any kind being levied against anyone including Plaintiff.

13 10.

14 Plaintiff has no ownership interest in any of the companies he is alleged to be the owner of  
15 and from which he “masterminds” his CNAM revenue sharing “scheme” while committing  
16 violations of the TSR and TCPA without conscience. Plaintiff is not associated with any of these  
17 companies except to the extent any attorney who is paid for legal consultation is associated with  
18 his or her client.

19 11.

20 Plaintiff has no influence in the decision making of the companies he is alleged to control and  
21 profit from. In fact Plaintiff has only provided legal counsel to these clients companies advising  
22 them to, among other things, comply with applicable state and federal laws or risk the threat of  
23 liability both from civil investigative bodies and from consumers themselves and to advise their  
24 subscribers to do the same. To date there have been no charges of any kind filed against plaintiff  
25 or his clients for any illegal activity whatsoever, by the state of Oregon or any other state or  
26 federal authority for violations of telemarketing or other laws. Neither has plaintiff or any of his

1 clients been found liable under the TSR's, TCPA or other statute for violating state of federal  
2 law, though several lawsuits alleged such violations.

3 12.

4 On or about October 12, 2012, Defendants John Does posted on the Internet an affidavit  
5 drafted and attested to by Tonya Hetzler who is purportedly an investigator for the North Dakota  
6 Attorney Generals office. In that affidavit based on her "information and belief", Ms. Hetzler  
7 stated among other things, that Plaintiff is the owner of ITC and that Plaintiff is responsible for  
8 40 or more consumer related complaints involving allegations of illegal telemarketing in the state  
9 of North Dakota.

10 13.

11 Such affidavit may have enjoyed a qualified privilege under Oregon law as submitted by Ms.  
12 Hetzler. However, Ms. Hetzler abused this privilege by publicizing it to John Doe or John Doe's  
13 not involved in the inquiry she was responding to and this person or these persons (or Ms.  
14 Hetzler herself) subsequently posted Ms. Hetzler's affidavit on telemarketerspam/wordpress.com  
15 on.

16 14.

17 Plaintiff believes that one of the people Ms. Hetzler published her affidavit to was Defendant  
18 Fredericks knowing or substantially certain that he would post it on his blog spot. Whomever she  
19 published it to she did so knowing or having substantial certainty that it would be made public.  
20 In addition to this, Hetzler knew the falsity or recklessly disregarded the truth of the matters she  
21 alleged in her statements. Plaintiff is not certain of Ms. Hetzler's culpability at this point in time  
22 and is uncertain if she is also a John Doe. Plaintiff reserves any rights to add John or Jane Doe to  
23 Plaintiffs complaint once the facts are known to Plaintiff.

24 15.

25 As a whole telemarketerspam/wordpress.com, along with Ms. Hetzler's affidavit portrays  
26 Plaintiff as a dishonest attorney who routinely violates state and federal law while disregarding

1 his state bars prohibition of engaging in activity that reflects poorly on the attorneys character  
2 and fitness to practice law. Further it (they) portray(s) Plaintiff as creating offshore entities in an  
3 effort to hide true ownership of his clients businesses while additionally using such offshore  
4 entities to create bank accounts that are utilized to hide vast amounts of money in offshore  
5 accounts in an effort to hide from authorities and avoid income taxation. These allegations  
6 portray Plaintiff as an attorney who routinely advises his clients to commit tax fraud on the  
7 Federal government, among others. The site further alleges that Plaintiff illegally uses  
8 government mail extensions in an effort to hide his identity.

9 16.

10 Plaintiff is not currently and has never not been prosecuted by any state or federal authority.  
11 Plaintiff is not engaged in a conspiracy to obtain private information and is not engaged in any  
12 other "illegal activity" alleged on Defendant's blog spot or Ms. Hertzler's affidavit.

13 17.

14 Antone Accuardi owns no interest in ANY of the companies Defendant alleges he owns or  
15 otherwise controls and is not "employed" by any of the companies he is alleged to be employed  
16 by.

17 18.

18 Antone Accuardi has and continues to provide legal counsel on, among other things,  
19 compliance with State and Federal laws related to the Telecommunications and Consulting  
20 industries but does not benefit in any way from the conduct of these companies except and  
21 exclusively to the extent he is paid for such legal counseling on a retained counsel basis.

22 19.

23 Mr. Accuardi receives no income whatsoever from the payment/receipt of "dip fees" or  
24 CNAM revenue with the exception and solely to the extent Plaintiff clients receive such revenue  
25 and subsequently pay Plaintiffs legal invoices with such revenue. Mr. Accuardi has prosecuted  
26 and continues to pursue claims against illegal telemarketers under the TCPA and other Consumer



1 Protection Acts. Mr. Accuardi has helped hundreds of consumers with unwanted telemarketing  
2 calls and has been responsible for stopping hundreds if not thousands or millions of these  
3 unwanted calls.

4 20.

5 Mr. Accuardi defends clients from such consumer and Federal actions including the TCPA  
6 and the TSR's among others. Plaintiff has never, nor does he know how to, "spoof" someone  
7 else's email address.

8 21.

9 Plaintiff has never been disciplined or sanctioned by the Oregon State Bar. Plaintiff is NOT  
10 being sued in California by anyone, let alone a "class" action, and No FTC violations have been  
11 reported involving me, because as previously stated, Plaintiff has no ownership interest or  
12 decision making authority in any of the companies alleged to have complaints about them. No  
13 complaints the FTC has received are against Plaintiff, but rather against plaintiffs clients  
14 businesses of which plaintiff owns no interest in, whatsoever.

15 22.

16 Plaintiff has owned offshore accounts in the past and each of these, along with any reportable  
17 income was reported to the Internal Revenue Service as required by law. Plaintiff has not owned  
18 such offshore accounts since 2010 or thereabouts and never used them for illegal purposes.  
19 Plaintiff is not a crook, incompetent, nor does he avoid or not adhere to his professional  
20 responsibility.

21 23.

22 Since the publication of Defendants statements Plaintiff has received dozens of death threats  
23 against himself and his family including salacious, derogatory invitations directed at his children  
24 and spouse including threats of various kinds of molestation and terror.

25 24.



1 Plaintiff has received hundreds of emails, phone calls directing him to do various sexual  
2 acts to himself or otherwise directing extremely profane language at Plaintiff, as well as advising  
3 him to make his peace with Jesus or advising that the caller would be vacationing in his area and  
4 wondered if Plaintiff would meet with caller or e mailer along with callers/e mailers friends,  
5 Smith and Wesson. Many of the callers, e mailers state that they will continue such contact every  
6 time they receive and unwanted or unsolicited telemarketing call. Some have even done so for a  
7 time. (Usually, they stop after Plaintiff gets the offending telemarketer to stop calling the  
8 complainant or after Plaintiff advises who the actual owner of the phone number is. More often  
9 than not the numbers complained of do not even belong to any of Plaintiffs clients.)

10 25.

11 Plaintiff has suffered fear, shame, anxiety, high blood pressure and an myriad of other  
12 emotional reactions as a result. In addition to the threats and invitations directed at Plaintiff and  
13 Plaintiff's family, two lawsuits have been filed against plaintiff alleging violations of the TCPA,  
14 when Plaintiff made no telemarketing calls whatsoever.

15  
16 **COUNT ONE**

17 FALSE LIGHT (Against All Defendants)

18 26.

19 Plaintiff re-alleges each of the previous paragraphs as though fully stated and incorporates  
20 them by reference herein.

21 27.

22 Defendants published allegations to the world on the Internet without doing any meaningful  
23 research into the truth or falsity of the matters asserted therein. Instead they relied on a vivid  
24 imagination in some cases, pure retaliation motivation and statements made on third parties  
25 information and belief. No follow up investigation to ascertain the truth or falsity of those  
26 statements was made and instead were published as if they were fact.

28.

As a result of Defendant's statements published to the world and into Clackamas County on the Internet, Plaintiff's have incurred and continue to incur the expense of lost opportunity, loss of business and the cost of defending several frivolous lawsuits. Plaintiff is currently being sued in New York State court and the United States Federal Court for the District of Ohio each based on "information" found on Defendants website and others.

29.

Each of these lawsuits have introduced Ms. Hetzler's affidavit as proof of the merit of each such action. Each of these lawsuits are directly attributable to inaccurate/false information found on Defendant's blog spot at telemarketerspam/wordpress.com and to Ms. Hetzler's affidavit publisher therein.

30.

Plaintiff Accuardi has received dozens of complaints to the Oregon State Bar alleging his engagement in illegal activity. As a result Accuardi has had to respond to these complaints to the neglect of building his solo attorney practice.

31.

The statements contained at [www.telemarketerspam.wordpress.com](http://www.telemarketerspam.wordpress.com) continue to subject A. Accuardi to harassment from 100's of consumers who, among other things, threaten the life and well being of him and his entire family, sign him up for magazine subscriptions he receives billing invoices for but for which Plaintiff did not order and invade Plaintiff and his families privacy. Such invasions and intrusions into Plaintiff everyday life defy the bounds of common decency and are truly offensive to plaintiff and his family as would they be to anyone.

32.

Plaintiff reserves the right to seek to amend this complaint under ORS §31.725.

**COUNT TWO**

## INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(All Defendants)

33.

Plaintiff re-alleges each of the previous paragraphs as though fully stated and incorporates them by reference herein. Plaintiff Antone Accuardi, for a period of over a year so far, receives and continues to receive grizzly death threats to himself and his family including his children and his wife. Antone Accuardi received dozens of complaints daily from angry consumers lead to believe of his alleged involvement in illegal telemarketing by Defendant and Defendant's website/blog-spot.

34.

Defendant intentionally posted to his blog allegations regarding Antone Accuardi without any meaningful research into the veracity of such allegations. Information that was easily obtainable with little effort and at no cost to defendant. Antone Accuardi is on medication for treatment of high blood pressure that occurs, along with excruciating head-aches as a result of these harassing calls and death threats all based on false or misleading allegations contained on Defendants web-site.

35.

Defendants posted such "information" regarding Plaintiff in retaliation for Plaintiffs threat to sue Defendants as a result of their dissemination of false statements made regarding Plaintiff's clients.

36.

Defendants knew or recklessly disregarded the falsity of such postings.

37.

1 Defendants knew or should have known that Plaintiff would receive unwanted intrusions into  
2 his privacy as a result of their postings. Defendant wanted such intrusions into his privacy as  
3 “payback” for Plaintiffs threats to Defendant on behalf of his clients.

4 38.

5 Plaintiffs reserves the right to seek to amend this complaint under ORS 31.725.

6 39.

7 Plaintiff has incurred and continues to incur the expense of lost opportunity, and the cost of  
8 defense of several frivolous lawsuits. Each of these lawsuits are directly attributable to and based  
9 on erroneous/factually inaccurate and flat out false information found on Defendant's blog spot at  
10 telemarketer.wordpress.com

11 40.

12 Plaintiff reserves the right to seek to amend this complaint under ORS 31.725.

13  
14 **COUNT THREE**

15 **INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE**

16 (All Defendants)

17 41.

18 Plaintiff re-alleges the allegations contained in all previous paragraphs and incorporates them  
19 by reference herein. Defendant posts on his blog spot/ website portrays Plaintiff as “the  
20 Mastermind” of illegal telemarketing engaging in a conspiracy and pattern of serial illegal  
21 conduct, and non-compliance with Oregon State Rules of Practice by an Oregon attorney.  
22 Plaintiff had economic relations that have been destroyed by Defendants false portrayal as has  
23 plaintiff's future ability to attract paying clients due to Defendants false portrayal of Plaintiff.  
24 Defendant intentionally posted these false statements to cause harm to Plaintiff by exposing him  
25 to ridicule and shame in his profession and community for threatening to sue Defendants on  
26 behalf of Plaintiffs clients. As a result Plaintiff has become a pariah in the legal and other

1 communities. Plaintiff has been refused affiliation and meaningful participation in the legal  
2 marketplace with other counsel based on the portrayal of Plaintiff on Defendants website and  
3 other websites found on the Internet. Plaintiff has been sued by consumers as a result of  
4 Defendants actions and Plaintiff has lost business as a result. Plaintiffs family has suffered  
5 economically as well having to endure a substandard of living compared with its standard prior  
6 to the publication of Defendant's statements.

7 42.

8 Plaintiff in reality is none of those things Defendants portray him as. Plaintiff is an officer of  
9 the court for the State of Oregon, the Federal District court for the district of Oregon and the  
10 Federal District court for the Central District of California and a duly licensed attorney, in good  
11 standing, with the State Bar of Oregon.

12 43.

13 The Oregon State Bar has received dozens of complaints regarding plaintiff and his alleged  
14 involvement with illegal telemarketing, the state bar has found those complaints to be "without  
15 merit". No formal investigation has been made and no formal investigation is forthcoming.

16 44.

17 Plaintiff has no involvement in the telecommunications industry or the telemarketing industry  
18 except to the extent he counsels clients on compliance and regulatory matters. Plaintiff also sues  
19 telemarketers for violations of the TCPA et. al.

20 45.

21 Plaintiff has suffered and continues to suffer economic harm as a result for lost opportunity,  
22 legal expenses and loss of reputation in the legal and other communities as a direct result of  
23 Defendants false portrayal of Plaintiff.

24 46.

25 Plaintiff has become a pariah in his legal community because even though some colleagues  
26 may know the allegation are without merit, they acknowledge that an association with such

1 attorney could and would reflect poorly on that attorney or those attorneys law firms. The public  
2 at large representing plaintiffs potential client base similarly does not want to be associated with  
3 plaintiff for the reasons set forth supra. Prior to Defendants postings Plaintiff was building a  
4 practice that enjoyed growth since its inception. Since Defendants postings, Plaintiff has been  
5 unable to sign new clients and the prospect of gainful employment with any law-firm is unlikely.

6  
7 **PRAYER FOR RELIEF**

8 (For all Defendant's)

9 47.

10 As to each of the counts Plaintiff's ask that Defendant be required to pay for damages in an  
11 amount to be proven at trial where required and pretrial interest in amount to be determined at  
12 trial. Plaintiff believes these damages currently amount to between eighty and one hundred  
13 thousand dollars exclusive of costs and interest. Such damages continue to this day and Plaintiff  
14 is unable to ascertain at this time the ongoing damages he will continue to suffer as a result of  
15 Defendants tortuous conduct. Plaintiff continues to receive unwanted mail solicitations, bills for  
16 magazines he did not order, legal expenses, unwanted hateful, invective filled rants from various  
17 consumers who rely on Defendants website postings for their information and as a basis for their  
18 tirades against Plaintiff.

19 48.

20 Plaintiff's ask that in addition to damages proven at trial the Defendant be required to pay the  
21 reasonable costs and disbursements paid or payable as a result of Defendant's proven tortuous  
22 conduct including reasonable attorney fees along with any further relief this court finds just.

23 49.

24 Plaintiff further demands that a permanent injunction, where available as a remedy to all  
25 counts, be ordered prohibiting Defendant from posting any further false statements or statements

1 that falsely portrait as to Plaintiff and requiring Defendant to delete all such information and post  
2 an appropriate apology to Plaintiff along with any such further relief this court finds just.

3  
4  
5 50.

6 Plaintiff also asks for punitive damages as to all counts where such damages are permitted or  
7 allowed in an amount at the discretion of the court, but at minimum, in an amount sufficient to  
8 deter Defendant and others from engaging in similar conduct in the future.

9  
10 Respectfully submitted:

11  
12  
13  
14 Dated this 14th day, of October, 2013

15  
16   
17 F. Arfione Accuardi  
18 In Pro Per  
19  
20  
21  
22  
23  
24  
25  
26